

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DAVID DIXON, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	Case No. 4:19-CV-0112-AGF
	)	
v.	)	
	)	
CITY OF ST. LOUIS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANT JUDGES' MOTION FOR JUDGMENT ON THE  
PLEADINGS AND MEMORANDUM IN SUPPORT**

The Defendant Judges respectfully request that this Court grant judgment on the pleadings as a matter of law and dismiss all claims in the Complaint. The deadline for filing amended pleadings is now past, and the case is appropriate for resolution on the pleadings as a matter of law. As discussed in the Defendant Judges' Memorandum in Opposition to Plaintiffs' Renewed Motion for Preliminary Injunction, the doctrines of *Pullman*, *Burford*, and *Younger* abstention, and the principles of federalism and comity that underlie them, instruct that this Court should abstain from exercising jurisdiction here and dismiss this case. *See* Doc. 165, at 2-12. Furthermore, as discussed in the Defendant Judges' same memorandum, the relief that Plaintiffs seek is exclusively available in habeas corpus and is not available in an action brought under 42 U.S.C. § 1983. *See* Doc. 165, at 12-14. For the essentially same reasons discussed in those two sections of Defendants' Memorandum in Opposition to Plaintiffs' Renewed Motion for Preliminary Injunction, *see* Doc. 165, at 2-14, which are herein incorporated by reference to avoid burdening the Court with duplicative filings, the Defendant Judges respectfully request that this

Court enter judgment on the pleadings in favor of Defendants and dismiss all Plaintiffs' claims with prejudice.

### **CONCLUSION**

For the reasons stated, this Court should decline to exercise jurisdiction, grant Defendants judgment on the pleadings, and dismiss all Plaintiffs' claims with prejudice.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that on May 22, 2020, a copy of the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ D. John Sauer

Solicitor General